

SENATE BILL 4251

By Jackson

AN ACT to amend Chapter 510 of the Private Acts of 1915; as amended by Chapter 352 of the Private Acts of 1982; and any other acts amendatory thereto, relative to the charter of incorporation of the Town of Vanleer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 510 of the Private Acts of 1915, as amended by Chapter 352 of the Private Acts of 1982, and any other acts amendatory thereto, being the charter of the Town of Vanleer, is amended by deleting such chapter in its entirety except for the section in which the corporate limits of the town are established and substituting instead Sections 2 through 21 of this act to be the charter of the Town of Vanleer.

SECTION 2. The Town of Vanleer, in the Ninth Civil District of Dickson County, Tennessee, and the inhabitants thereof, be, and are hereby constituted a body politic and corporate under and by the name of the mayor and aldermen of the Town of Vanleer, and shall have perpetual succession; and by said corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real estate, personal and mixed property or dispose of the same for the benefit of said town, and may have and use a corporate seal, and have and enjoy any and all powers and privileges now vested by general laws in municipal incorporations.

SECTION 3. The corporate limits of the said Town of Vanleer shall be those fixed by Chapter 510 of the Private Acts of 1915, and all acts amendatory thereto, and any annexation made pursuant to general law. The precise boundaries shall be kept on record by the city recorder.

SECTION 4. Within this charter the following words and terms shall have the following meanings unless the context otherwise requires:

(1) "Town" shall mean the Town of Vanleer, Tennessee;

(2) "Board" shall mean the board of mayor and aldermen;

(3) "Department head" shall mean the fire chief, water superintendent, codes officer, and any other department heads appointed by the board or mayor;

(4) "Officer" shall mean the mayor, aldermen, city attorney, city recorder, city treasurer, and city judge;

(5) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity;

(6) "Elector" shall mean a qualified voter residing within the Town;

(7) "Qualified voter" shall mean a person who is qualified to vote for members of the general assembly of the state of Tennessee;

(8) "Shall" and "may", the use of the word "shall" will be taken to indicate a requirement and the use of the word "may" shall be taken to indicate a permissive situation; and

(9) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary indication is manifest.

SECTION 5. Said corporation shall have full power and authority, through its board of mayor and aldermen, to enact and pass such laws and ordinances as may be necessary to preserve the health of the town, to prevent and remove nuisances, to preserve the peace and maintain good order, and to enact and pass such laws and ordinances as are not inconsistent with the general laws of the state, and to do and perform all acts and things that municipal incorporations now do under the general laws of the state of Tennessee.

SECTION 6. Beginning in 2009, the regular election for mayor and five (5) aldermen shall be held biennially on the second Saturday in May. Persons elected in May 2009, shall hold office until the May 2011 election, and until their successors are elected and qualified, and succeeding officers shall hold office for two (2) years. Elections shall be held in conformity with

the general law. No person shall be eligible for the offices of mayor or alderman, unless he is a qualified voter of said town, and shall have resided within the corporate limits thereof, at least twelve (12) months, continuously, prior to his election. Those persons serving as mayor and aldermen who were elected in May 2007 or filling the term of a person elected in May 2007 shall serve until their successors are elected in the May 2009 election and qualified.

SECTION 7. The persons receiving the highest number of votes at such election shall be declared elected, and the officer holding said election shall within two (2) days thereafter deliver to each person so elected a written certificate of his election; and it shall be the duty of the mayor and aldermen-elect to meet on Monday, next succeeding their election, and qualify, by being sworn into office by some person duly authorized to administer oaths.

SECTION 8.

(a) The mayor shall:

(1) Be the chief executive officer of the municipality and shall preside at meetings of the board;

(2) Communicate any information needed and recommend measures the mayor deems expedient to the board;

(3) Make temporary appointments of any employee, officer or department head as those terms are defined in Section 4, except that of alderman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the board at its next regular meeting;

(4)

(A) Have the ability to call special meetings of the board upon adequate notice to the board and adequate public notice of such meeting;

(B) State such matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(5) Countersign checks and drafts drawn upon the treasury and sign all contracts to which the municipality is a party;

(6) Vote only in the case of a tie, in order to break such tie; and

(7) Make appointments to boards and commissions as authorized by general law.

(b) Unless otherwise designated by the board by ordinance, the mayor shall perform the following duties or may designate a department head or officer to perform any of the following duties:

(1) Promote, discipline, and suspend all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

(2) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures as established by the board;

(3) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance;

(4) Administer the business of the municipality;

(5) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(6) Keep the board fully advised as to the conditions and needs of the municipality;

(7) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed;

(8) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town;

(9) Recommend specific personnel positions, as may be needed, and may propose personnel policies and procedures for approval of the board; and

(10) Perform such other duties as may be designated or required by the board.

SECTION 9.

(a) The board shall elect an alderman to the office of vice mayor who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in case of a vacancy in the office of mayor, until the next regular municipal election. Such election shall occur after each regular election of the town and shall be for a term of two (2) years until the next regular election.

(b)

(1) By affirmative vote of a majority of the remaining members of the board, the board shall fill a vacancy in the office of alderman for the unexpired term, but any portion of an unexpired two-year term for alderman or mayor that remains beyond the next municipal election shall be filled by the voters at the next regular municipal election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

(2) All such elections by the board to fill a vacancy shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the board, the presiding officer shall vote a second time to break the tie.

(c) The board may confirm or reject the mayor's temporary appointments as set out in Section 8(a)(3), or at its discretion, make its own temporary appointments. The board of mayor and aldermen shall make appointments to fill all vacancies.

SECTION 10. If the board of mayor and aldermen determine that an elected official is unable to fulfill the responsibility of their office due to illness, change in residency, or a failure to attend monthly board meetings for a period of not less six (6) months; then the remaining board members may declare the seat on the board to be vacant and shall appoint a qualified resident of the Town of Vanleer as specified in Section 9(b)(1) and (2).

SECTION 11. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published.

SECTION 12. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of

board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded.

SECTION 13.

(a) The governing body shall publish the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) which information shall include the following:

(1) Revenues and expenditures for the following governmental funds:

general, streets/public works, general purpose school and debt service;

(A) Revenues for each fund shall be listed separately by local

taxes, state of Tennessee, federal government and other sources;

(B) Expenditures for each fund shall be listed separately by

salaries and other costs;

(2) Beginning and ending fund balances for each fund; and

(3) The number of full-time equivalent employee positions for each fund.

(b) The publication shall be in a newspaper of general circulation and shall be published not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget

SECTION 14. The town attorney shall be an attorney at law, entitled to practice in the courts of the state of Tennessee, and shall be appointed by the board of mayor and aldermen and shall receive such salary, or compensation, and discharge such duties as shall be fixed by the board.

SECTION 15. The board shall appoint a city recorder, who also may be appointed to the position of treasurer. It shall be the duty of the city recorder to collect all taxes for the corporation and to receipt for the same; and the corporation shall provide by ordinance for the levy and collection of property taxes.

(a) The recorder or the recorder's designee shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board to be preserved in permanent form.

(b) The recorder, or the recorder's designee, shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the recorder's bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof. All such records shall be the property of the municipality. The recorder shall issue privilege licenses and collect taxes on same. The recorder shall collect all ad valorem and special taxes levied by the board. The recorder shall have charge of all the records of said corporation and shall take special care of the same. The recorder shall perform such other duties that the board may by ordinance impose not in conflict with the provisions of this charter or laws of the state.

(c) The recorder shall provide, copy, and when required by any officer or person, certify copies or records, papers and documents in the recorder's office.

SECTION 16. The board of mayor and aldermen shall appoint a town treasurer, who shall be the lawful custodian of the funds of the corporation, and who shall execute a bond in such sum as may be provided by ordinance for the safe keeping of such funds.

The treasurer shall receive, collect and provide receipt for all taxes and all other revenue (and bonds) of the town, and the proceeds of its bond issues, and disburse them. The treasurer shall keep a proper account of all funds of whatever nature that may come into the treasurer's hands and shall keep such book or books as the board may direct.

The treasurer shall make out and present quarterly, or more frequently if the board demand it, a full and explicit report of all moneys and the disbursement of the same, that have come into the town's hands, which report shall, after it is approved by the mayor, be published in some newspaper in Dickson County, or by printed statements upon hand bills, which shall be left in the office of the recorder, where they can be distributed to the taxpayers and inhabitants of the town.

The treasurer shall perform such other duties as the board may provide.

SECTION 17. The fire chief shall superintend the operation of the fire department and such members of the fire department as may be required whose salaries or compensation shall be fixed by the board within the budget for the fire department for the then current fiscal year. It shall be the duty of the chief of the fire department and the members thereof to take all proper steps toward the prevention and suppression of fires. The chief of the fire department shall serve as fire marshal whose duties shall be to investigate the cause, origin and circumstances of fires, and the loss occasioned thereby, and assist in the prevention of arson. The board shall have full power and authority by resolution to authorize the use of the town's fire-fighting equipment and personnel outside the corporate limits to suppress and extinguish fires subject to such conditions and limitations of such action as the board may by resolution impose.

SECTION 18.

(a) The office of superintendent of waterworks is hereby created, with such duties as are prescribed by ordinance of the board, and by this charter.

(b) The superintendent of waterworks shall have supervision and control, subject to the general direction of the mayor, in the:

(1) Construction, improvement, repair and maintenance of the municipal waterworks system belonging to the city or dedicated to the public use; and

(2) Management of the municipal waterworks plant and system.

SECTION 19. The appointed officers, department heads, and employees of the town shall receive such compensation as the board by ordinance shall provide, the same to be determined and fixed before entering upon their duties and said officers shall be required by ordinance to enter into bond for the faithful handling of all funds of the corporation that may come into their hands.

Nothing in this charter shall be construed as granting a property interest to employees, department heads, or officers in their continued employment with the town. The board of mayor and aldermen shall employ and discharge all employees and department heads, in accordance with personnel policies and procedures adopted by the board, if any.

SECTION 20. Persons found guilty of violating any of the ordinances of said corporation, may be required to pay such fine as provided for by general law.

SECTION 21. The board of mayor and aldermen shall have full power and authority to remove, suspend, or dismiss any officer appointed by them, for incompetence, drunkenness, or for any violation, neglect or disregard of his official duties, imposed either by ordinance or by the general laws of the state. Provided, that such officer shall have due notice of the charges preferred against him, and an opportunity to be heard, and to introduce witnesses on his behalf; and provided further, that at least three (3) aldermen and the mayor shall concur in such removal or dismissal.

SECTION 22. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Vanleer. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town of Vanleer and certified to the secretary of state.

SECTION 23. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 22.